

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:10CR3125
	)	
v.	)	
	)	
DELFINO VARGAS-BERNAL,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
_____	)	

The defendant has moved to continue the trial currently set for February 14, 2011 (filing no. 36) because the defendant is requesting appointed counsel and needs additional time to review the government's discovery. The court finds the motion should be granted.

IT IS ORDERED:

- 1) Defendant's motion to continue, (filing no. 36) is granted.
- 2) The trial of this case is set to commence at 9:00 a.m. on March 14, 2011 for a duration of five days. Jury selection will be at the commencement of trial.
- 3) Base upon the showing set forth in the defendant's motion and the representations of the defendant's counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the time between today's date and March 14, 2011 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7)(A).

DATED this 1<sup>st</sup> day of February, 2011.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge